IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3263 of 1995

Between:

Venakabadina Taragathula Seva Sangam,

Prashanti Nagar Colony, Thatichetlapalem, Visakhapatnam,

Rep. by its President Smt. T. Narayanamma.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.
2 State of A.P., rep. by its Secretary to Govt., Revenue Dept.,
Secretariat Buildings, Saifabad, Hyderabad.
3 The Special Officer, Urban Land Ceiling, Visakhapatnam.
4 The Mandal Revenue Officer, Visakhapatnam.
5 Visakhapatnam Urban Development Authority,

rep. by its Chairman, Visakhapatnam.
6 The Commissioner of Police, Visakhapatnam.
7 The Station House Officer,
IV Town Police Station, Visakhapatnam.
8 World Teachers Trust, rep. by its Secretary

V. Rama Krishnama Raju.

9 The General Manager, South Eastern Railway,

Garden Reach, Calcutta.

10 The Divisional Railway Manager,

South Eastern Railway, Visakhapatnam.
(Respondents 6 and 7 are impleaded as per Court order
dated 29-03-1995 in W.P.M.P.No.7427 of 1995)

(Respondent No.8 is impleaded as per Court order

dated 07.04.1995 in W.P.M.P.No.8330 of 1995)

(Respondents 9 and 10 are impleaded as per Court order

dated 02-02-2005 in W.P.M.P.No.15849 of 1995).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus to declare as illegal and arbitrary the action of the Respondents in forceably dispossessing the members petitioners society from thatched huts built in S.Nos.6/1C and 8/4, Thatichetlapalem, Dondaparthy Village, Visakhapatnam and issue a consequential direction to allot pattas in favour of the members of the petitioners society.

Counsel for the Petitioner: MR. D.V.SITHARAM MURTHY

Counsel for Respondents 1 to 4, 6 and 7: GOVERNMENT PLEADER FOR ASSIGNMENT

Counsel for Respondent No.5: SMT. SUMALINI REDDY

Counsel for Respondent No.8: MR. S.SRIRAMA CHANDRA MURTHY

Counsel for Respondents 9 and 10: MR. C.VENKATA MALLA REDDY

The Court made the following:

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ORDER:

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This writ petition is filed seeking a Writ of Mandamus to declare the action of respondents in forcibly dispossessing the members of the petitioner-Venakabadina Taragathula Seva Sangham (for short, 'Sangham') from their dwelling houses in Survey Nos.6/1C and 8/4 of Thatichetlapalem, Dondaparthy Village,

Visakhapatnam, as illegal and arbitrary and a consequential direction to allot pattas to all the members of the petitioner-Sangham.

It is the case of the petitioner-Sangham, which is a registered body, that the members of the petitioner-Sangham are the persons belonging to socially, economically and educationally Backward Communities including Scheduled Castes and they are in possession of small plots in the land covered by Survey Nos.6/1C and 8/4 and they have constructed their thatched sheds and living in the same. This writ petition is mainly filed on the ground that respondents' authorities are taking steps to dispossess the members of the petitioner-Sangham without due process of law and without issuing any notice.

In the counter-affidavit filed on behalf of the first respondent, it is stated that the land in question is an excess land declared under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 and when the petitioners were trying to encroach on the land, steps were taken to prevent encroachments. Further, in the counter-affidavit filed by the Railway authorities-proposed parties (respondents 9 and 10) in the implead petition filed by the petitioner-Sangham, it is stated that the land in Survey No.8/4 is acquired and allotted for them and they are in possession of the same. Further, the World Teachers' Trust, Visakhapatnam, which is impleaded as 8th respondent in the writ petition, claimed the land admeasuring 204 square metres covered by Survey Nos.6/1C, b, 61c, dA.

It is the case of the petitioner-Sangham that members of the petitioner-Sangham were granted pattas in Survey Nos.8/4 and 6/1C. So far as the land in Survey No.8/4 is concerned, the same is claimed by the Railway authorities in view of the allotment after acquisition of the land. So far as the land in Survey No.6/1C is concerned, a part of the land is claimed by 8th respondent-World Teachers' Trust, Visakhapatnam. At the same time, though it is specifically pleaded in the writ petition that some of the members of the petitioner-Sangham were granted pattas, there is no denial of said allegation in the counter-affidavit filed by the 8th respondent. If the members of the petitioner-Sangham are in possession and living in the houses constructed therein in the land not other than the land in possession of the 8th respondent covered by Survey No.6/1C, respondents 1 to 5 are directed not to dispossess them without due process of law. In view of the factual dispute, no further relief can be granted in the present writ petition.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

02nd February, 2005.

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ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The District Collector, Visakhapatnam.

2. The Secretary to Government, Revenue Department, State of

Andhra Pradesh, Secretariat Buildings, Saifabad, Hyderabad.

3. The Special Officer, Urban Land Ceiling, Visakhapatnam.

4. The Mandal Revenue Officer, Visakhapatnam.

5. The Chairman, Visakhapatnam Urban Development Authority,

Visakhapatnam.

6. The Commissioner of Police, Visakhapatnam.

7. The Station House Officer, IV Town Police Station, Visakhapatnam.

8. The General Manager, South Eastern Railway, Garden Reach,

Calcutta.

9. The Divisional Railway Manager, South Eastern Railway,

Visakhapatnam.

10. Two CCs to the Government Pleader for Assignment,

High Court Buildings, Hyderabad (O.U.T).

11. Two CD copies.